

Joseph E. Kernan
Governor

Gregory A. Wilson, M.D.
State Health Commissioner



Indiana State Department of Health

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DATE: June 4, 2004

TO: All Local Health Departments and other Interested Parties

FROM: Terry Whitson, JD
Assistant Commissioner
Health Care Regulatory Services Commission

Howard W. Cundiff, PE, Director
Bureau of Consumer Services

A. Scott Gilliam, MBA, CFSP, Manager
Food Protection Program

SUBJECT: Preliminary Adopted ISDH Food Code and amended Civil Penalty Rule

Please find, attached, the Indiana State Department of Health (ISDH) Rule 410 IAC 7-24, Retail Food Establishment Sanitation Requirements and ISDH Rule 410 IAC 7-23, Schedule of Civil Penalties. The format being used was required by the Legislative Services Agency and does not represent the intended final version for use by all parties.

The proposed rules were adopted preliminarily by the Executive Board of the ISDH on May 12, 2004. They will appear in the Indiana Register beginning on July 1, 2004. A public hearing has been scheduled on July 23, 2004 to be held in Rice Auditorium at the Indiana State Department of Health, 2 North Meridian Street, Indianapolis, IN 46204. The schedule is as follows:

1:00 pm	410 IAC 7-24, Retail Food Establishment Sanitation Requirements
1:30 pm	410 IAC 7-23, Schedule of Civil Penalties

The official comment period begins on July 23 and ends on July 30, 2004, although comments received between now and then will be included in the Hearing Officer's final report.

The Food Code Amendments Taskforce spent many hours working on the new Food Code. The Food Code underwent a major reorganization to facilitate ease of use by the industry and the regulatory authority. Many sections were combined in the same area of the document and some changes were made as a result of changes in the FDA 2001 Model Food Code and the FDA 2003 Supplement to the FDA Model Food Code. Please take note that Schedule of Civil Penalties is only being amended due to the changes in the Food Code.

Written comments concerning the proposed rules are welcome and any that are received will be reviewed and given due consideration by the taskforce and ISDH. The comments must reference the exact section and page number. All written comments must be postmarked no later than July 30, 2004 to be given consideration. Please send all comments to:

Hearing Officer
C/O Burton Garten
Office of Legal Affairs
Indiana State Department of Health
2 North Meridian, Sec. 3H
Indianapolis, IN 46204
E-mail: bgarten@isdh.state.in.us

The proposed rules are also available on the agency website at www.in.gov/isdh/regscvs/foodprot/ If you have any questions pertinent to this draft rule, please do not hesitate to contact this office at 317/233-7360.